l: Huntingford E-4, 5 (1938-1939) 1953 FL6 Dorobo FL6

cide, adultery, and assault. In the first category, incest is punished under the authority of the clan council: the man is beaten, his hut burnt, his honey-barrels destroyed; the woman also is beaten. Witches might be killed under authority of the *koret* council. In cases of persistent disobedience to the council, the elders could call upon two or three men to force the offender, by moral and physical persuasion, to mend his ways. Of offences in the second category, trespass has already been mentioned (p. 58). Theft, when not dealt with summarily, can be brought to the *koret* council, which can order payment of compensation. A man accused of stealing food may say, " If I am a thief, may this grass eat me," and place a blade of grass between his teeth. Adultery might be punished by the injured husband, who, if he killed the offender, had to pay blood-cattle. If a man incapacitates another by assaulting him, he must feed him till he recovers. Homicide of a Dorobo of another clan, though not involving primary sanctions, was a serious offence because it meant that the murderer had to get cattle in order to pay compensation. The usual number was nine head of cattle, though when the murderer was a very poor man living alone the number might be reduced. The kind of cattle (male or female) did not matter. The murderer had to provide as many as he could, from his own herd if he had one, or by exchange from the Nandi, or by any other means, including theft. The deficiency had to be made up by his fellow-clansmen.

Summary

The Dorobo horde consists of a loosely integrated group of districts held together partly by the feeling that they are all Dorobo, but much more by the clan ties which cut across the district boundaries. The clan is therefore one of the chief institutions in the life of the Dorobo.

MAIN CULTURAL FEATURES

Crafts

Housing

(*a*) Forest type: the *koconget*, in use as late as 1927, was a framework of sticks bent over to form an oblong, dome-shaped structure, covered on the outside with banana leaves and leaves of trees; height, 6 ft.; length, 11 ft.; width, 7 ft. (*b*) New types: the *keriet* has a circular wall about 5 ft. high plastered with mud, and an almost flat thatched roof supported by a centre post; the *kot* is a hut of ordinary Nandi type, the walls of which are occasionally left unplastered.

Settlements in the forest, consisting of three or four *koconget* huts, were situated in clearings just big enough to hold the huts, and were approached by concealed paths which branched in a bewildering manner that made it impossible to find them without a guide. Settlements outside the forest are arranged in small groups usually close to the cultivated land.

Dress and Ornaments

Clothing is made largely from the skins of wild animals, and the forms are mainly copied from those of the Nandi, as are most of the ornaments, which include, among other things, iron wire armlets and leglets, necklaces, and married women's ear-rings (*taok*). The ear-lobes are pierced and elongated (sometimes getting torn in the forest), and a small hole is bored in the top of the ear. Some but not all remove the two lower middle incisors. Hair is allowed to grow to a length of about 2 ins., when it is sometimes covered with a bladder cap, and sometimes dressed with red earth and fat. Occasionally a man has his hair done in pigtails like the Nandi.

Tools and Weapons

Axes and knives are obtained from Nandi smiths, the Dorobo making the wooden handles. Needles are made from old nails and bits of wire which the Dorobo

5:Huntingford E-5 (1938-1939) 1954 FL6 Dorobo FL6

and speak at it. People meet at the house of a clansman who, upon notice being given to him, prepares as much honey-wine as he can for the entertainment of the gathering, and what he provides may be supplemented by wine brought by other members. The business of the council is done with the aid of a jar of honey-wine in an informal way as if it were a social gathering, which in a sense it is, for the clan council through its informality has become a social bond between clansmen. Business is done first, and the drinking soon follows. The subjects which may be discussed include:

1. Disputes between members of the clan.
2. Hunting disputes.
3. Disputes about boundaries of hunting areas.
4. The preliminary business when a clansman has killed a member of another clan.
5. Homicide within the clan.
6. Sexual intercourse between a man and a girl of the clan. Disputes under heads 1-3 are settled by discussion, the leader of the council swaying, by his opinion, the views of the members. The leader, *kiruokindet*, is not necessarily the oldest member of the clan, for such a man might be too senile to act properly; but someone fairly senior in age, with his faculties intact, who is liked and respected, becomes in course of time (as in the case of the leader of the *koret* council) looked upon as a responsible person who can be safely listened to and whose judgement is sound.

More serious matters, like those under heads 4-6, are dealt with like the rest by discussion, but there is as well a certain traditional procedure to follow. When a clansman has killed a member of another clan, the council of the dead man's clan meets to discuss the compensation payable, and to choose a messenger who will be sent to the council of the murderer's clan to start proceedings, which after a preliminary discussion, are heard before the *koret* council, since two different clans are involved, and the matter is not purely the affair of one clan. When a man kills a member of his own clan, the whole matter is settled within the clan. First, the murderer has to brew some honey-wine and kill a goat from which the fat is collected. Then old men of both the families concerned meet at the house of the murderer and drink the wine he has provided, after which two of the old men oil the murderer all over with the goat's fat. The animal from which this fat is obtained must be a goat, and if the murderer has none of his own, he must get one by purchase or theft. He is therefore put to some trouble and even danger, for if he has to steal a goat he risks being speared if caught, and this constitutes an act of faith which, together with the anointing of his body, frees him from the uncleanness caused by the shedding of human blood. There is no payment of compensation for the murder of a clansman, but the murderer must if he can give his victim's wife one cow to help towards her maintenance. This last is a Nandi custom and was probably introduced in recent times after the Dorobo had begun to acquire cattle in a small way.

Sexual intercourse between a man and a girl of his clan is not an offence provided the girl does not have a baby, though the lover is not allowed

5:Huntingford E-5 (1938-1939) 1951 FL6 Dorobo FL6

I noticed that when Dorobo

were having a meeting of any sort, however informal, at which they wanted to speak of anything important, they were careful to exclude Nandi from it; and if a Nandi insisted on intruding, they would talk only of trivial matters till he had gone. One day when I was talking to some Dorobo about their land, they insisted on my sending out of earshot a Nandi who was with me — they even took me out of his sight and spoke in low voices, for the subject was too serious to be heard and perhaps ridiculed by a Nandi. It is thus not difficult to understand how an acquired feature like the *koret* can fall into disuse; and this is what I believe has happened among the Dorobo. Pressure of various kinds was by 1927 forcing the Dorobo to be more wary than ever, and the clan system could give them all the administrative organization they needed. Hence the *koret* council could lapse, and with it the office of *kiruokindet*, though the *koret* names remained, as they had become useful terms of reference.

Nevertheless, the *koret* council is closely associated with the punishment of crime, and it is therefore necessary to understand something of the way in which it did its work in the past.

All the elders and circumcised men of a district formed the council. They met at the foot of a tree where the undergrowth was cleared away to make an open space. Any tree would do, for unlike the Nandi they had no special trees which mark the *koroset*. The functions of the *koret* council were described briefly by a Dorobo in the following words: *Keruoc nalek si kesic ce miyac ak ce yac, si kohas plk tukul. Ingoesio cit ake tukul, keoon si kua emet ake*, "We take counsel that we may find what is good and leave what is bad so that all men may understand. If any man refuses, he is driven out of our country". Questions of theft and homicide were discussed by the council; it considered what steps to take when food was scarce; and disputes of all sorts between people of different clans were heard and settled. The decision of the council was announced by the *kiruokindet*, who after sensing the opinion of the meeting, would stand up and say what ought to be done. It was then left to the people concerned to carry out the suggestion, for such it was, in effect, rather than an order.

The way in which the law is enforced is liable to be something of a puzzle to the casual observer. The mainspring of Dorobo political organization is public opinion, and behind public opinion is the fear of the dead. People know that it is wrong, that is, contrary to custom, to do a certain thing; they know also that if they do it, their friends will do someting unpleasant to them, and, what is really most important of all, they know that *mecome cesowiloi*, "the spirits of the dead disapprove". Hence in order to understand how Dorobo law works, one must know something about their religious beliefs. To the European these reasons no doubt seem feeble; but they are effective in that the Dorobo have been able to survive till to-day as a unit sufficiently law-abiding to hold its own and carry on its existence in face of human and non-human enemies, and to maintain its place as a living organization.

Among people like the Nandi, the council habit has become an almost daily business, has in fact almost come to be the equivalent of a club, though without the conviviality of a club; but this is not possible for people who

5:Huntingford E-5 (1938-1939) 1954 FL6 Dorobo FL6

Private delicts include trespass, that is, hunting on another's land in the forest; theft, of honey-barrels in particular and of other things in general; murder; adultery; and assault. These are offences for which compensation is payable, or for which a man may kill the offender, e. g. for theft, though if he does so he must pay compensation for murder. Offences which concern fellow clansmen are dealt with by the clan council. Others came within the province of the *koret* council, which was not a daily affair, nor held at stated times, but only when there was a definite reason. When a person had some business which needed the calling of a council, he told the *kiruokindet*, who passed word round the *koret* that people should assemble on a certain day. If, for example, a man had been robbed of a honey-barrel, and knew who had stolen it, he would put the matter before the council, partly to decide on the amount of compensation, for the amount might vary according to the thief's circumstances, and partly to have public opinion behind him when he enforced his claim for payment. I believe that on the whole theft among the Dorobo themselves was not very common; and certain kinds of theft are regarded by them as so mean that a man must be very depraved indeed who will commit them. Besides, in a small horde whose members feel that outside their own circle every man's hand is against them, and to whom a stranger is a potential enemy until proved a friend, the need for unity and absence of friction is overwhelming if they are to survive. I certainly heard of no cases of theft during the period of my investigations.

We may now pass on to describe some of the traditional measures taken against offenders.

Incest. Incest means intercourse between a man and a woman of his *tiliet* (that is, one whom he calls by a relationship term), and a clanswoman. We have already described the punishment for this (see above, p. 127 f.), which in the first case is carried out with the approval of the *koret* council, and in the second, under the authority of the clan council.

Killing a Dorobo. When a man killed a Dorobo belonging to another clan, the council of the dead man's clan met to discuss the amount of compensation that was to be paid (*pas*), and then sent word to the council of the murderer's clan. This meant that the offence had been recognized, and that action must be taken. The council of the murderer's *koret* then assembled so that arrangements for payment could be made and become known to everybody. The murderer also had to be purified, in the same way as when the victim was a clansman. The *koret* council then met again to discuss the amount of the compensation. This, it seems, was usually reckoned at nine head of cattle (male or female), though it is doubtful if the full number was ever enforced [1], and if the murderer was a poor man with

[1] The number nine is probably due to imitation of the Nandi procedure, where nine is the amount payable as compensation for homicide.

5:Huntingford E-5 (1938-1939) 1954 FL6 Dorobo FL6

682 few relatives it would be very much less. The murderer had to provide as
623 many of the number decided upon as he could, either from his own herd if
692 he had one, or by getting them from the Nandi in exchange for furs, which meant, of course, that the cattle would be either oxen or worn-out old cows, and that he would not be able to provide many himself. It therefore fell to his relatives and clansmen to make up the number, which needed a clan council to apportion the balance among them, and also resulted in a good deal of feeling against the murderer for a time. Until the amount had been
[614] agreed upon by both clan and *kerat* councils, the murderer was liable (in theory at least) to be killed by his victim's relatives, so he had to lie low till the negotiations were completed, though again it is doubtful if they would actually have gone as far as killing him, for then they themselves would merely have had to return the cattle as compensation for their own act. In dividing cattle between the murdered man's relatives, the order of priority was brother, wife, father, mother, father's brother, father's brother's son, father's sister's son.

683 **Killing a witch.** Though in 1939 I could hear of no Dorobo who were
754 reputed to be witches (*ponik*), such people certainly existed in the past. Apart from killing people by spells, their principal activities seem to have been centred on hunting — putting spells on game traps and on men who were going to hunt. If a witch was shown by a diviner to be guilty of a person's death, he or she might be killed, and no compensation was payable (*mepese*).

609 **Killing an enemy.** This means killing any person who is not a Dorobo
682 and is believed or known to have performed any unfriendly act against the
[701] Dorobo. The Dorobo have no sort of war organization, and their enemies
[727] were generally shot at from the cover of under-growth. Though not a crime,
[783] killing an enemy none the less makes the killer ritually unclean and therefore dangerous to others because he has shed human blood. This action is thus brought into the same category as homicide of a Dorobo, and though there is naturally no compensation, purification is required. The face of a man
[802] who has killed an enemy is painted (*kemase tokat*) with stripes of white earth (*emoriot*) on the forehead, down each cheek, and down both sides of the nose. The paint is allowed to remain till it flakes off, and the man does not have to stay in his hut, but goes about as usual; though if he had killed a Nandi he would take care to go to some other part of the forest till he thought it safe to return. In actual fact, Nandi were seldom killed, but one who strayed into the forest might get shot by accident: the body would be taken to a lonely place for the hyaenas to eat, and at any sign of Nandi activity the Dorobo would vanish into the depth of the forest where the Nandi would have little chance of finding them even if they had the inclination to search.

685 **Theft.** Stealing honey is the worst kind of theft, and is almost comparable with intra-tribal cattle-theft among the Nandi. A man who steals honey from someone else's barrels is considered very low indeed, and if found

S:Huntingford E-5 (1938-1939) 1954 FL6 Dorobo FL6

a clear, windless sky. About 10 o'clock a curious whistling noise began to come from a certain part of the forest, and continued, on the same note, and without a break, for several hours. It was certainly no human or machine-made noise, and the Dorobo professed complete ignorance of it. A Nandi who had lived there before the Nandi War told me afterwards that it was an evil spirit whistling in the forest, "for we used to hear them whistling to each other like that in the forest when I was a child".

Between people and the things on which they depend for their existence both spiritual and material there is a connexion which is best expressed in terms of a ritual relationship. Things have a ritual value for people, and people themselves have a ritual status which is a relationship with their surroundings that can be altered for better or for worse according to the way in which they respect the ritual value of the things around them. Religion and magic form the procedure which protects these ritual values and status, while political organization is, in a sense, no more than an effort to maintain the ritual status of the horde in spite of the tendency of its members to injure their own ritual status and in consequence that of the horde also.

Certain things that a person does, whether voluntarily or involuntarily, cause deterioration of ritual status; but the original status may be recovered by the performance of certain ritual actions which may involve some personal effort or sacrifice. Examples of acts which cause loss of ritual status, and the means taken to restore it, are: (1) A girl who bears a child before marriage must have the undigested grass (*eiyat*) from the stomach of a goat rubbed over her face, neck, and breasts, and must then wash it off. (2) After a woman has given birth, she is in a condition of much reduced ritual status, and her husband must rub goat's fat and *eiyat* over her face, breasts, and belly. (3) A man who has killed a Dorobo must have goat's fat rubbed all over him. (4) One who has killed an enemy must have stripes of white earth painted on his face. In all these cases the people have done something which causes loss of ritual status, making them ritually unclean (*sawa* or *sowis*) and so a source of danger to others till they have been purified. The potential danger is removed by means of something which has a ritual value. Moreover, an essential element in the cleansing process is sacrifice, that is, the use of the material must either involve giving up something which is valued, or it must require some effort or even risk to get hold of. The *eiyat* or fat must be from a domestic animal: if the person concerned has one, he must use it; if he has none, then he must get one, and without delay, which for a Dorobo usually meant that he had to steal it, and thus risk getting killed while doing so. Therefore there is an act of faith in these magico-religious performances, and people believe so firmly in the efficacy of what they do that they are prepared to risk danger in order to get the necessary materials. The use of white earth may entail no more than a journey to get it, but that still means a personal effort on somebody's part. Materials which are used for the restoration of ritual status, and in consequence have a special ritual value, include: the flesh of goats, which is eaten when twins are born, and in cases of incest; *eiyat*, the undigested grass from the stomach of a ruminant (a sheep

7:Wayland N-5 (ca. 1926) 1931 FL6 Dorobo FL6

Social Organization.—The Tribe.—The Wanderobo are very few in number, and are divided among three sections, each of which has its own habitat as follows (according to the Chief, who was my informant on this point):—

Section.	Habitat.	Approximate Numbers.
Kokwaro	Kokwaro	40
Ulupun	Ruabongora	40
Lotwero	Lotwelo	40

Each section lives in a single village of its own, similar in structure to that already described. The sections are not totemic, but they are exogamous, and descent is in the male line. The tribe has but one chief, who lives at Kokwaro (north of Kamaera). Chiefainship is hereditary, and no woman is ever permitted to wield the powers of a chief. The Ulupun and the Lotwero are each presided over by a headman (paterfamilias).

Birth.—When a child is born the mother is assisted by female relatives. There are no official deliveries, as among the Lolwor. The Wanderobo allege that there are no special ceremonies connected with birth. Should a child come feet foremost into the world he will be lucky throughout life. It is stated that the afterbirth is thrown away with the rubbish. After weaning, a child occupies his father's hut, if a boy, and her mother's if a girl.

Betrothal and Marriage.—The rules for betrothal seem to be very similar to those usual among the Lolwor, except that the prospective husband goes to the girl's people direct, without representation in the first instance. The consent of the girl and of the parents on both sides is necessary, and the number of gifts is not specified as it is among the Lolwor.

Marriage is celebrated by a feast in which the people of the two sections to which the contracting parties belong take part. There is no dance peculiar to the marriage feast. After marriage a man lives for two days and nights in the hut of his betrothed, after which she returns with him to his own village, there to occupy a new hut already built for the newly married couple by the male partner, after he has consulted the wizard with regard to the luckiest time for erecting it.

Burial.—All the dead are buried without special ceremony.[1] There is no special burial ground, but graves are dug "out in the bush," well away from the village.

Age Classes.—These appear to be quite unknown.

Crime and Punishment.—The chief offence is adultery. This, however, is a private affair, and is dealt with privately, for it is not a sin against the community. A woman who is guilty in respect of this is cast out by her husband, who seeks the offending man with a view to slaying him. Murder is, however, a tribal affair, for which the punishment is death. The Lolwor practice in this respect is not followed.

[1] This statement was subsequently contradicted, in so far as it was stated that the wizard attends at all burials.

[P.193, A]

hunted by concerted action, and still are, to a limited extent, by individuals, as well as several species of monkey.[1] There seems to have been no very strict close season, as pig were occasionally hunted in the wet weather, though not often, since the forest is difficult to traverse when wet. There are now no lion or elephant, but they are said to have existed when the Sawe and Kipkoiimet ages were young men, i.e. about 1860. Leopards are still common, and are still shot if one runs up a tree after being put up by dogs; they are sometimes caught in traps made of wire, which is not bought, but searched for or stolen from farms. However, a trap made by one Arap Mogani which caught a leopard during one of my visits was said to be exceptional. Buffalo no longer exist in the western end of the forest where the Kapchepkond' live, but they occur near Londiani, a few miles to the east.

224 [136] [193] [231]

Hunting parties varied from two to eight men. If, say, eight went out, half would go along one bank of a stream, and half along the other bank, so that one or other party would be sure to get something. They met after the kill, and cooked the meat and ate some of it on the spot. The rest was divided among the hunters and taken home for their families, the unsuccessful members of the hunt receiving a share from those who made the kill. The hunter has to provide, not only his own (elementary) family, but also his father, mother, and wife's father with meat, and the distribution of meat in order of priority, is:—

[364]

Hunter: Meat to

1. Wife and children.
2. Father and mother.
3. Wife's father.
4. Neighbours (clansmen).

A man has (or had till they were evicted by the government) an hereditary right over a piece of forest, which included hunting, trapping, bee-keeping, and food-gathering. Other people who wanted to hunt there asked permission to do so, for otherwise the right-holder might kill anyone

423 [648] [428] [682]

[1] Saisei, Colobus guereza;
Chesowot, Cercopithecus griseo-viridis;
Tiriit, Sykes' monkey or Cercopithecus albigularis; [136]
Kimokchor, the baboon, Papio cynocephalus.

he found hunting on his area, though he would be liable to pay blood-cattle for homicide. 423 [682]

As for trapping, it is said that nobody steals meat from traps because their bellies would swell [illegible] opinion, too, is strongly against such a mean crime, and is of itself a powerful deterrent. Nowadays trapping is the chief source of meat, and the common practice is for a man to set three or four traps at a time in different places, and to visit them every two days or so to see if anything has been caught. 224 [685] [626]

Monkeys and buck[1] are killed for their meat and skins; pig provide meat and gut for bow-strings. [237]

2. Agriculture.[2]

The Dorobo are in process of changing from a hunting to an agricultural existence, from the uncertain hunting economy to the more certain one of agriculture; and the same economic pressure which has forced them to till the soil is now encouraging a desire for cattle, which are being slowly and laboriously acquired. This leads in turn to a more self-supporting state, with less dependence on the Nandi for grain crops; and agricultural techniques, both in tillage and stock, are being learnt from the Nandi and from Europeans. 178 [224] [241] [233] [648]

Both sexes work in the cultivated plots (*inkuret*), and are helped by children, who weed the crops, herd the stock, and milk the cows. The crops grown at present are eleusine (*eleusine coracana*, called *wimbi* in Swahili) and maize; millet and tobacco are still bought from the Nandi, from whom the Dorobo also get eleusine and maize seed when necessary. Unlike the distribution of the forest into hunting areas, people cultivate the ground close to their own homes, and a group 241 [462] [857] [839] 241 423 [351]

[1] The buck killed are:
Kipoket, blue duiker (cephalophus sequatorialis). [136]
Mindet, red duiker (c. ignu-fumei.)
Karemaiit, bush buck (tragelaphus scriptus.)
Irukutet, reed-buck
Ketyalet, oribi
Kipoomwet, water-buck (cobus ellipsiprymnus).

[2] I prefer the term 'agriculture' to 'horticulture,' for the latter implies mere cultivation, with no livestock, and in East Africa agriculture is almost always practised in conjunction with stock-rearing, even if only on a small scale.

14:Huntingford E-5 (1938-1939)1942
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[P.197,A]

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come now and make honey here." Then, blood and fruit must not be eaten on the same day as honey, nor must bits of the comb be left lying about; they must be carefully covered up. The first of these prohibitions is analogous to the Nandi avoidance of meat and milk on the same day; the second, though the Dorobo say it is done "so that other people shall not see it," is also due to the ritual value of honey, and the consequent necessity of showing respect towards it.

In the ritual treatment of certain actions the use of certain materials is essential if the ritual is to be effective. Thus, a homicide must be rubbed with *eiyat*, the undigested grass from the stomach of a goat or sheep, and he must also be oiled with 'butter' (milk shaken in a gourd till it has gone oily and semi-solid); an unmarried girl who has had a child must also be rubbed with *eiyat*; a sick person whose illness is due to witchcraft must be oiled with goat's fat or butter; and a man who has killed an enemy must paint his face with five stripes of white earth—one across the forehead,

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5:Lambert--87 G-5 (ca. 1935-1950) 1950 FL10 Kikuyu FL10
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Acquisition in lieu of blood-money

But there were other ways beside these two (adoption and security against a loan) by which the Kiambu Kikuyu, according to themselves, as recorded in previous studies of the subject, managed to secure a hold on land. Land, it is said, was sometimes handed over by Dorobo in payment of "blood-money," that is in compensation for a homicide. That compensation, in Kikuyu custom, took the form of livestock, mostly goats. The Dorobo had no goats, or very few; the Kikuyu would insist on goats—but would graciously accept a stretch of land in lieu. Payment in land, though rare, was not unknown where the Kikuyu came from, but there the clan would intervene whenever possible and find the necessary goats rather than allow any of its land to be alienated to another clan; somehow or other the elders of the clan would find the goats and keep their land intact. But the Kikuyu who had acquired Dorobo land in such a way could keep a quiet mind; the Dorobo could never accumulate the goats except by mortgaging more land. We find herein an instance of the type of culture-clash (obtaining years before the European came to native Africa) arising from essential similarities as well as differences of culture; from the one, assessment of the value of its members to the kinship group in terms of local currency, and, from the other, variation in the objects used as currency according to the alimentary culture of the tribe. In the present case—Kikuyu agriculturists impinging on Dorobo hunters—whenever compensation by the latter was required by inter-tribal law the clash of cultures meant in almost every case the loss to them of sovereignty in land. A vicious circle was created—land (instead of goats), goats to redeem the land, more land to get the goats, and so on—in the end the series might as well have stopped just where it started—land. We may be well assured that the land-obsessed Kikuyu would not miss the chance to utilize the clash to gain his object. In theory of course there were other ways to satisfy the claim for compensation. The slayer or his brother could renounce his clan and become adopted in the family of the murdered man in place of him, but the Kikuyu would have none of it—adoption not involving at least a share of rights in land was not an item in his programme. Another possible way to meet the claim would be to hand over a girl or girls in marriage. As a rule this method would find no favor in Kikuyu eyes. Dorobo girls were

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174 not addicted to the digging-stick, the use of which, Kikuyu husbands
425 thought, was what a wife, apart from bearing more Kikuyu, brewing
682 beer, and being generally a willing slave, was mainly married for.
But he might take her, being satisfied that long before the harvest of her first attempt at growing things was in he would have got more land in lieu of her, and she would be happily at home again. Or he could argue that, her father having failed to provide more land and she refusing steadfastly to stay, the marriage must be deemed a matrilocal one and he be given cultivation rights in her father's land and bring along a relative to do the digging she declined to do. One can imagine endless sophistry along such lines and understand how in the end the slayer's kin would have to yield the only kind of property they had at their disposal that their Kikuyu creditors would deign to take in compensation, that is, virgin land.

[p. 111] Payment in girls

174 Another way in which the Kikuyu have alleged that they acquired
Dorobo land is mentioned in the records; this was paying for it, not
425 in goats, but girls. The evidence before the Land Commission gave
583 instances of this, or at least of payments said to have been made in both, partly goats and partly girls. The Kiambu Kikuyu told the 1929 Committee: "Sometimes he (the 'seller') accepted a Kikuyu girl instead of stock in which case he had to stay." They had previously (in 1920) told Colonel Ainsworth much the same. Colonel Watkins in his note of 1920 considered the arrangement similar to that between the Giriama and the Sanya, of which he said:

> "The Wa-Giriama, driven like most immigrants by the desiccation of their former haunts, are drifting to better watered and better timbered areas. They naturally clear ground first where timber is thin, on the outskirts. To the family soon comes a Sanya who through sickness or scarcity, complains of hunger and asks for a goat. This is given on condition he brings in ivory when recovered. Thus trade relations are established, and he becomes a hunter to the agricultural community, on no fixed wage, but friendly and vaguely attached to it. Later on perhaps he builds a hut near and accepts, in trade, girls of the agricultural community (1), possibly in return for permission to clear more

/261 cont./

000 D 431 O 572 is present at all. The heir of the warrantor is also liable. The giver is offended by a refusal to accept a gift. A counter-gift of approximately the same value follows gift-giving. The giver spits upon the gift when he hands it over. The Wandorobo never conclude into blood friendships among themselves, but only -- and, to be sure, very rarely -- with members of other tribes. The ceremony observed for this resembles the one described above among the Masai. If a stranger has bought ivory from him and paid only part of the price, D [177] [426] the ol doroboni often likes to conclude blood-friendship with him because he thinks that then the debtor must die if he does not repay the debt as quickly as possible (1).

D [177]

1. This view is in general rare; it was not originally peculiar to the Asá, but adopted.

D 682 628 [171] [672] As among the Masai, the legal view makes no distinction between murder and manslaughter, but indeed between the latter and negligent homicide. A murderer caught in the very act is subject to blood revenge, for the execution of which every man belonging to the family of the one murdered and in some districts also any of his friends and campmates are justified. If the avengers do not succeed in capturing the murderer on the day of the murder, /262/ the latter is safe from blood revenge, for people see in the unsuccessful search for him a command of God to let him live. To atone for his deed, however, he must pay the principal heir of the deceased one large and two small ivory tusks. Negligent homicide is punished by the payment of a medium-sized ivory tusk. If the perpetrator and the one who was killed belong to the same lineage, the punishment is considerably D [648] less than if they are from different lineages of the same tribe. On the other hand, if the two belong to different tribes, the ones entitled to blood revenge often hand over the execution of it to the Masai, who kill the perpetrator, even if they do not capture him until after several months. Up to the completed payment the perpetrator is D M 682 648 regarded as puni-andet, corresponding to the ol oikobani of the Masai. If an Asá kills a Masai blacksmith, the deed remains unpunished because the blacksmiths are too weak for revenge and the Masai would M [664] [326]

M D 682 648 M [564] [326]

/262 cont./ never have anything to do with taking their part. On the other hand, if an Asá is killed by a blacksmith, the Masai immediately place themselves on the side of the ones injured and avenge murder, manslaughter, or negligent homicide by murdering the perpetrator. The Wandorobo, to be sure, would themselves be in a position to execute the revenge, but the Masai do not permit this because they see in it an encroachment on their rights as masters of the land and in particular also of the el konono.

D 683 [682]

Bodily injury with a fatal outcome, if caused intentionally, is regarded as murder; if negligently, as negligent homicide. Minor bodily injuries are atoned for with the payment of a specific number of beehives. For the destruction of a finger one beehive is paid, for one hand eight; among some Wandorobo who live in close contact with the Masai the atonement for the destruction of a finger or the whole hand amounts to a fat-tailed sheep. Bodily injury leading only to the loss of an index finger or an eye often remains unpunished, as does indecent assault. Abortion is said to be unknown, and perversion not to occur. Kidnapping and sale are unknown.

D [847] [839] [674]

D 685

A theft committed in the camp by an inhabitant or stranger is atoned for by the return of the stolen goods; that of a beehive hanging outside the camp, with the payment of ten new ones. Anyone who steals honey from a beehive pays five beehives. Arson is said not to occur; one who is the cause of the illness of another through sorcery is not infrequently killed, after he has been persuaded to charm the sick one back to health. The shooting of poisoned arrows in the camp is strictly forbidden, because of the danger connected with it. Anyone who transgresses this law must expect to be killed immediately by his campmates.

D 683

D 689

D 681

Unknown are: aggravated kinds of death, the principle of repaying like with like, compensation in the culpable body part, symbolism, imprisonment, enslavement, public punishments, the right of pardon.

D 787

For the inquiry concerning an unknown culprit, the injured one turns -- /263/ as has already been mentioned -- to a sorcerer, who is also called ol goiatiki[1] among the Wandorobo. Instead of the manipulations with the en gidon, he throws a pair of sandals on the ground in front of him eight times, then picks them up and puts

1, [ol goiatiki is a Masai word also meaning sorcerer--Analyst]